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Message Text

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42
ORIGIN STR-08

INFO OCT-01 EUR-25 IO-12 ADP-00 EB-11 L-03 COME-00 TRSE-00

AGR-20 CEA-02 CIAE-00 DODE-00 FRB-02 H-02 INR-10

INT-08 LAB-06 NSAE-00 NSC-10 PA-03 RSC-01 AID-20

CIEP-02 SS-15 TAR-02 USIA-12 PRS-01 OMB-01 AF-10

ARA-11 EA-11 NEA-10 /219 R

DRAFTED BY STR/ WBKELLY, JR: JEH
5-18-73 395-3582
APPROVED BY STR/ WBKELLY, JR
EB/ OT/ STA: RWINSTANLEY
L/ EB: DBURNS
COMMERCE: LMURPHY
COMMERCE: RGOODWIN
TREASURY: ACUMMINGS (SUBSTANCE)
---------- 110804
R 190107 Z MAY 73
FM SECSTATE WASHDC
TO USMISSION GENEVA
USMISSION EC BRUSSELS
AMEMBASSY OTTAWA

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E. O. 11652: N/ A
TAGS: ETRD, US, JA, GATT, EEC
SUBJECT: GATT STANDARDS CODE

REF: (A) GENEVA 1320 (B) GENEVA 2334 (NOTAL)

1. AT MARCH 15-22 GATT CTIP WG III MEETING ON STANDARDS CODE (REF A) U. S. OFFERED TABLE A REVISED QUALITY ASSURANCE SECTION OF DRAFT CODE PRIOR JUNE 4-8 MEETING. AFTER INFORMAL CONSULTATIONS WITH CANADIAN AND JAPANESE REPS
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DECISION MADE TO TABLE REVISION OF BOTH SECTIONS 8 AND 12 ALONG LINES PAPER (INT(73)27/ CORR. 1), WHICH U. S. DEL INTRODUCED AT MARCH WG MEETING. THIS TEXT, WHICH WOULD REPLACE SECTIONS 8 AND 12 OF SPEC(73) L6, IS AS FOLLOWS:

" QUALITY ASSURANCE SYSTEMS AND ARRANGEMENTS FOR ASSURING CONFORMITY WITH MANDATORY STANDARDS OF CENTRAL GOVERNMENT BODIES

(A) WHERE POSITIVE ASSURANCES, OTHER THAN BY THE SUPPLIER, OF CONFORMITY WITH MANDATORY STANDARDS ARE REQUIRED, ADHERENTS SHALL WHENEVER PRACTICABLE FORMULATE AND BECOME MEMBERS OF, OR PARTICIPATE IN, INTERNATIONAL QUALITY ASSURANCE SYSTEMS AND ARRANGEMENTS.

- - -

(B)(I) ADHERENTS SHALL ENSURE THAT QUALITY ASSURANCE SYSTEMS OPERATED BY THEIR CENTRAL GOVERNMENT BODIES FOR ASSURING CONFORMITY WITH THEIR MANDATORY STANDARDS COMPLY WITH THE REQUIREMENTS OF PARAGRAPHS (C) TO (F) OF THIS SECTION.

(II) ADHERENTS SHALL USE ALL REASONABLE MEANS WITHIN THEIR POWER TO ENSURE THAT QUALITY ASSURANCE SYSTEMS OR ARRANGEMENTS OF WHICH THEIR CENTRAL GOVERNMENT BODIES ARE MEMBERS OR PARTICIPANTS, OR UPON WHICH THEY RELY, FOR ASSURING CONFORMITY WITH THEIR MANDATORY STANDARDS COMPLY WITH THE REQUIREMENTS OF PARAGRAPHS (C) TO (G) OF THIS SECTION.

(C) QUALITY ASSURANCE SYSTEMS AND ARRANGEMENTS SHALL NOT BE FORMULATED OR APPLIED WITH A VIEW TO CREATING OBSTACLES TO INTERNATIONAL TRADE; AND NEITHER SUCH SYSTEMS AND ARRANGEMENTS THEMSELVES NOR THEIR APPLICATION SHALL HAVE THE EFFECT OF CREATING AN UNJUSTIFIABLE OBSTACLE TO INTERNATIONAL TRADE.

(D) MANDATORY STANDARDS AND TEST METHODS EMPLOYED

IN CONNECTION WITH ANY QUALITY ASSURANCE SYSTEM OR ARRANGEMENT SHALL BE PREPARED AND ADOPTED IN ACCORDANCE WITH THE RELEVANT PROVISIONS OF SECTIONS 1 AND 4. THE SYSTEM OR ARRANGEMENT SHALL CONFORM TO THE REQUIREMENTS OF SECTION 5.

(E) SYSTEMS AND ARRANGEMENTS SHALL BE FORMULATED

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FROM THE OUTSET WITH A VIEW TO THEIR APPLICATION TO PRODUCTS PRODUCED IN THE TERRITORIES OF OTHER ADHERENTS.

(F) IN THE FORMULATION AND IMPLEMENTATION OF QUALITY ASSURANCE SYSTEMS AND ARRANGEMENTS:

(I) A NOTICE SHALL BE PUBLISHED AT AN EARLY STAGE THAT THE QUALITY ASSURANCE SYSTEM OR ARRANGEMENT IS UNDER CONSIDERATION;

(II) THE GATT SECRETARIAT SHALL BE NOTIFIED OF THE PRODUCTS TO BE COVERED, WITH A BRIEF INDICATION OF THE NATURE OF THE PROPOSED SYSTEM OR ARRANGEMENT;

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(III) PARTICULARS OR COPIES OF THE PROPOSED RULES OF THE SYSTEM OR ARRANGEMENT SHALL BE PROVIDED ON REQUEST TO OTHER ADHERENTS;

(IV) REASONABLE TIME SHALL BE ALLOWED FOR COMMENT;

(V) ACCOUNT SHALL BE TAKEN OF COMMENTS RECEIVED FROM OTHER ADHERENTS, BOTH REGARDING THE FORMULATION OF SUCH SYSTEMS AND ARRANGEMENTS AND, SUBSEQUENTLY, REGARDING THEIR IMPLEMENTATION; AND

(VI) ALL RULES OF SUCH SYSTEMS AND ARRANGEMENTS SHALL BE PUBLISHED.

(G) WHERE AN ADHERENT PARTICIPATES WITH OTHER COUNTRIES IN FORMULATING OR APPLYING A QUALITY ASSURANCE SYSTEM OR ARRANGEMENT:

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(I) THE SYSTEM OR ARRANGEMENT SHALL BE FORMULATED FROM THE OUTSET WITH A VIEW TO AFFORDING AN EQUAL OPPORTUNITY FOR MEMBERSHIP OR PARTICIPATION TO ALL ADHERENTS;

(II) THE SYSTEM OR ARRANGEMENT SHALL BE OPEN TO MEMBERSHIP OR PARTICIPATION BY ALL ADHERENTS AT THE SAME TIME AND UNDER CONDITIONS NO LESS FAVORABLE THAN THOSE ACCORDED TO MEMBERS OF THE SYSTEM OR ARRANGEMENT;

(III) THE ONLY CRITERIA FOR MEMBERSHIP OR PARTICIPATION SHALL BE THAT THE APPROPRIATE REGULATORY

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BODY OF THE ADHERENT CONCERNED IS ABLE AND WILLING TO FULFILL THE OBLIGATIONS OF MEMBER-SHIP OR PARTICIPATION, AND THE APPROPRIATE QUALITY ASSURANCE BODY IS TECHNICALLY COMPETENT AND RELIABLE.

(IV) THE SYSTEM OR ARRANGEMENT SHALL BE OPEN TO SUPPLIERS OF RELEVANT PRODUCTS PRODUCED IN THE TERRITORIES OF OTHER ADHERENTS SO THAT THEIR PRODUCTS RECEIVE TREATMENT NO LESS FAVORABLE THAN THAT ACCORDED TO THE PRODUCTS OF SUPPLIERS IN THE TERRITORIES OF MEMBERS OF THE SYSTEM OR ARRANGEMENT, WITH RESPECT TO, BUT NOT LIMITED TO, INSPECTION, TESTING, CERTIFICATION, AND THE APPLICATION OF ANY RELEVANT CERTIFICATION MARKS.

(H) WHERE AN ADHERENT IS A MEMBER OR PARTICIPANT IN A QUALITY ASSURANCE SYSTEM OR ARRANGEMENT WHICH DOES NOT COMPLY WITH PARAGRAPH (F) OF THIS SECTION, THE ADHERENT ITSELF SHALL, TO THE

EXTENT POSSIBLE, TAKE THE ACTIONS PRESCRIBED IN SUCH PARAGRAPH IN RESPECT OF THE SYSTEM OR ARRANGEMENT.

(J) WHERE AN ADHERENT IS A MEMBER OR PARTICIPANT IN
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A QUALITY ASSURANCE SYSTEM OR ARRANGEMENT WHICH DOES NOT COMPLY WITH PARAGRAPH (G)(IV) OF THIS SECTION, OR WHERE AN ADHERENT OR ITS CENTRAL GOVERNMENT BODY OPERATES ITS OWN QUALITY ASSURANCE SYSTEM, THE ADHERENT SHALL ENSURE THAT PRODUCTS PRODUCED IN THE TERRITORIES OF OTHER ADHERENTS RECEIVE TREATMENT NO LESS FAVORABLE THAN THAT ACCORDED TO THE PRODUCTS OF DOMESTIC SUPPLIERS, WITH RESPECT TO, BUT NOT LIMITED TO, INSPECTION, TESTING, CERTIFICA-TION, AND THE APPLICATION OF ANY RELEVANT CERTIFICATION MARKS."

2. ACTION U. S. MISSION GENEVA:

(A) PLEASE TRANSMIT ABOVE TEXT TO GATT SECRETARIAT (PETER WILLIAMS), AS SOON AS POSSIBLE, FOR CIRCULATION PRIOR JUNE WG MEETING.

(B) GIVE TEXT DIRECTLY TO JAPANESE REP (WADA) WITH EXPLANATION THAT, PARTLY BECAUSE OF HIS PERSONAL COMMENTS

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TO KELLY AND OF TOKYO' S VIEWS (REF B); U. S. DECIDED AGAINST TABLING TEXT SHOWN HIM EARLIER. WE WOULD VERY MUCH APPRECIATE COMMENTS ON ABOVE TEXT BEFORE JUNE MEETING.

(C) PROPOSE TO SECRETARIAT THAT JUNE 4 MEETING BEGIN IN AFTERNOON RATHER THAN MORNING SO THAT CONSULTATIONS WITH OTHER DELS COULD BE HELD PRIOR TO MEETING.

3. ACTION EC BRUSSELS: PLEASE GIVE ABOVE TEXT DIRECTLY EC COMMISSION (SCHLOSSER) AS SOON AS POSSIBLE SO THAT EC WILL HAVE OPPORTUNITY CONSIDER IT FULLY AND BE ABLE TAKE POSITION ON IT PRIOR JUNE MEETING. BECAUSE THIS TEXT MAKES NO DISTINCTION BETWEEN INTERNATIONAL AND REGIONAL QUALITY ASSURANCE SYSTEMS, WE FEEL IT SHOULD APPEAL TO EC. FURTHERMORE, WE BELIEVE THIS TEXT IS IMPROVEMENT OVER SIMILAR PAPER INTRODUCED BY U. S. DEL AT MARCH MEETING, WHICH SCHLOSSER SAID HE LIKED EVEN THOUGH EC DID NOT ACCEPT IT AS BASIS FOR WG DRAFTING. WE DO NOT EXPECT THAT EC WILL ACCEPT ALL PARTS THIS TEXT, BUT WE HOPE THAT EC
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WILLING BASE WORK UPON IT AT JUNE MEETING.

4. ACTION EMBASSY OTTAWA: PLEASE GIVE ABOVE TEXT

DIRECTLY HUGH DOUGLAS, DEPT. INDUSTRY, TRADE AND COMMERCE. THIS TEXT HAS BEEN DISCUSSED INFORMALLY WITH HIM. RUSH

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*** Current Classification *** LIMITED OFFICIAL USE

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Message Attributes

Automatic Decaptioning: X
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Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
Control Number: n/a
Copy: SINGLE
Draft Date: 19 MAY 1973
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: garlanwa
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1973STATE096567
Document Source: CORE
Document Unique ID: 00
Drafter: JEH
Enclosure: n/a
Executive Order: n/a
Errors: n/a
Film Number: n/a
From: SECSTATE WASHDC
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1973/newtext/t19730551/aaaajota.tel
Line Count: 256
Locator: TEXT ON-LINE
Office: ORIGIN STR
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
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Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 73 GENEVA 1320, 73 GENEVA 2334
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Review Authority: garlanwa
Review Comment: n/a
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Secure: OPEN
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Subject: GATT STANDARDS CODE
TAGS: ETRD, JA, US, EEC, GATT
To: EC BRUSSELS
GENEVA
OTTAWA
Type: TE
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